

REMARKS

Claims 1-37 are pending. Claims 24-37 were previously withdrawn. Claims 1, 15 and 24 have been amended. Support for amended claims 1 and 24 can be found in the specification, e.g., at page 60, lines 24-29. Support for amended claim 15 can be found, e.g., at claim 1. No new matter has been added.

1. Elected and Examined Subject Matter

Applicants thank the United States Patent and Trademark Office ("the Office") for examining the elected subject matter, and acknowledge the Office has expanded the examination beyond the elected subject matter to the provisionally elected subject matter. See pages 2-4 of the Office Action.

a. Claims 1-4, 6-7, 10, 12, 15, 17-18, and 21-23

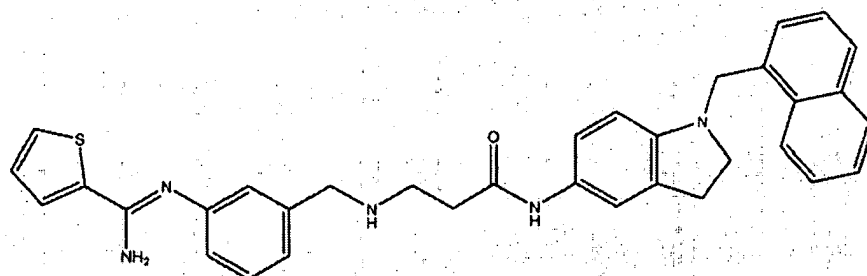
The Office has provisionally objected to claims 1-4, 6-7, 10, 12, 15, 17-18, and 21-23, for containing elected and non-elected subject matter. See page 6 of the Office Action. However, Applicants respectfully offer that the objection is moot since the non-elected subject matter examined is novel as discussed hereinbelow. However, Applicants will consider amending the claims with respect to non-examined, non-elected subject matter if the claims are deemed allowable otherwise.

2. Claims are Novel

a. Claims 1-4, 6, 10, 12, 17, 21 and 23

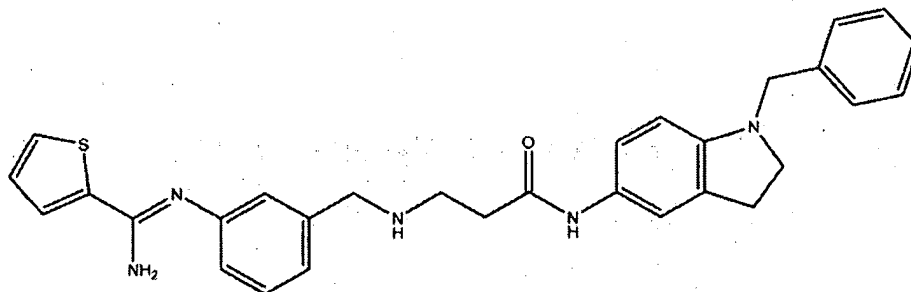
The Office has rejected claims 1-4, 6, 10, 12, 17, 21 and 23 under 35 U.S.C. 102(b) for allegedly being unpatentable over International Application Publication No. WO2000/017190 by Auvin *et al.*, which has a U.S. equivalent – namely, U.S. Patent No. 6,653,312 (hereinafter referred to together as, "the '190 publication", unless specifically noted otherwise). Applicants traverse the rejection and respectfully request it be reversed.

For a reference to anticipate a claimed invention, the reference must teach each and every aspect of the claimed invention. The Office alleges that the '190 publication anticipates the instant claimed compounds because of the disclosure of:



3-[(3-[[amino(2-thienyl)methylidene]amino]-benzyl)amino]-N-[(1-(1-naphthylmethyl)-2,3-dihydro-1H-indol-5-yl)]-propanamide

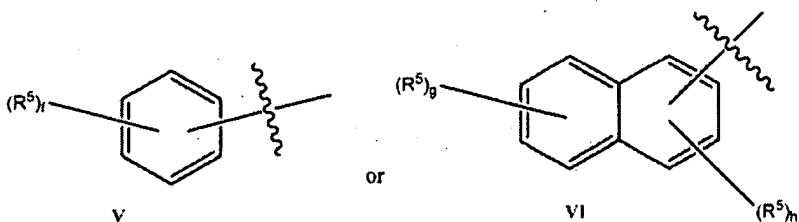
(see e.g., page 18, lines 25-26 of the '190 publication); and



3-[(3-[[amino(2-thienyl)methylidene]amino]-benzyl)amino]-N-(1-benzyl-2,3-dihydro-1H-indol-5-yl)-propanamide

(See e.g., Example 55 of the corresponding US 6,653,312). Applicants note that the alleged disclosure of this compound in claim 5 of US 6,653,312 is respectfully mistaken since the nearest compound is misnamed. See second compound named in claim 5; see also pages 5-6 of the Office Action.

Specifically, the Office alleges that these compounds of the '190 patent (and its US equivalent) anticipate the instant claimed compounds when, e.g., in the claimed compounds, R^1 , R^1 and R^2 are each hydrogen; s and q are each 0; R^3 is optionally substituted $NR^{12}R^{12'}$ - C_{1-6} alkyl, wherein R^{12} and $R^{12'}$ are each independently hydrogen or Ar - C_{1-6} alkyl, and the optional substituent is a 3-(imino-2-thienylmethyl)-amino group; X is $-CO$; and Y is the group of formula V or VI, wherein R^5 is halogen and f, g and h are each 0:



See page 6 of the Office Action.

However, the claimed invention does not teach a 3-(imino-2-thienylmethyl)-amino group as an optional substituent of an aryl (Ar) or Ar-containing group, such as Ar-C₁₋₆alkyl. See e.g., page 60, lines 24-29. Consequently, these compounds of the '190 patent do not teach each and every aspect of the instant claimed compounds, and the '190 patent does not anticipate the claimed invention.

Also, Applicants note that merely to advance prosecution, claims 1 and 15 have been amended so as to explicitly provide for the optional substitutions when in R³ either or both R¹² and R^{12'} is an Ar or an Ar-containing group. For example, R³ recites in relevant part:

...-NR¹²R^{12'}, optionally substituted NR¹²R^{12'}-C₁₋₆alk(en/yn)yl,
optionally substituted NR¹²R^{12'}-C₃₋₈-cycloalk(en)yl, optionally
substituted NR¹²R^{12'}-C₃₋₈-cycloalk(en)yl-C₁₋₆alk(en/yn)yl; wherein:

R¹² and R^{12'} are independently selected from the group consisting
...wherein:

the optional substituent on an Ar or Ar-containing group of R¹² and
R^{12'} is independently selected from the group consisting of
hydroxy, halogen, C₁₋₆alk(en/yn)yl, C₃₋₈-cycloalk(en)yl, C₃₋₈-
cycloalk(en)yl-C₁₋₆alk(en/yn)yl, halo-C₁₋₆alk(en/yn)yl, C₁₋₆-
alk(en/yn)yl, C₃₋₈-alk(en/yn)yl, halo-C₁₋₆alk(en/yn)yl, C₁₋₆-
alk(en/yn)yl, C₃₋₈-alk(en/yn)yl, acyl, nitro, cyano, -CO-NH-
C₁₋₆alk(en/yn)yl, -CO-N(C₁₋₆alk(en/yn)yl)₂, -NH₂, -NH-C₁₋₆-
alk(en/yn)yl, -N(C₁₋₆alk(en/yn)yl)₂, -S-C₁₋₆alk(en/yn)yl, -SO₂-C₁₋₆-
alk(en/yn)yl, -SO₂N(C₁₋₆alk(en/yn)yl)₂ and SO₂NH-C₁₋₆-
alk(en/yn)yl...

Clearly, claims 1-4, 6, 10, 12, 17, 21 and 23 are novel in view of the '190 patent.

b. Claims 2-4, 6-7, 10, 12, 15, 17-18, and 21-23

The Office has objected to claims 2-4, 6-7, 10, 12, 15, 17-18, and 21-23 for being dependent on rejected claim 1. Because of the foregoing, claim 1 is novel and the rejection of claim 1 should be reversed. Accordingly, this objection also should be reversed.

3. Conclusion

Because of the foregoing, the instant claimed compounds are novel and believed in condition for allowance. Early reconsideration and allowance of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any fee or credit to Deposit Account No. 503201. The Office is requested to contact the undersigned if an interview would facilitate allowance of the claims.

Respectfully submitted,

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